2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. HOYLMAN, BIAGGI, GOUNARDES, JACKSON, KAPLAN, KENNE-
  DY, LIU, MAY, SALAZAR -- read twice and ordered printed, and when
  printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to the
  statute of limitations for civil actions related to certain sexual
  offenses committed against a person eighteen years of age or older,
  reviving such actions otherwise barred by the existing statute of
  limitations and granting trial preference to such actions; and to
  amend the judiciary law, in relation to directing the chief adminis-
  trator of the courts to promulgate rules for the timely adjudication
  of certain revived actions

  The People of the State of New York, represented in Senate and Assem-
  bly, do enact as follows:

1   Section 1. The civil practice law and rules is amended by adding a new
2 section 214-i to read as follows:
3   **§ 214-i. Certain sexual offense actions. Notwithstanding any provision**
4 **of law which imposes a period of limitation to the contrary and the**
5 **provisions of any other law pertaining to the filing of a notice of**
6 **claim or a notice of intention to file a claim as a condition precedent**
7 **to commencement of an action or special proceeding, every civil claim or**
8 **cause of action brought against any party alleging intentional or negli-**
9 **gent acts or omissions by a person for physical, psychological, or other**
10 **injury or condition suffered as a result of conduct which would consti-**
11 **tute a sexual offense as defined in article one hundred thirty of the**
12 **penal law committed against such person who was eighteen years of age or**
13 **older, or incest as defined in section 255.26 or 255.27 of the penal law**
14 **committed against such person who was eighteen years of age or older,**
15 **which is barred as of the effective date of this section because the**
16 **applicable period of limitation has expired, and/or the plaintiff previ-**
17 **ously failed to file a notice of claim or a notice of intention to file**

EXPLANATION--Matter in **_italics_** (underscored) is new; matter in brackets
                    [–] is old law to be omitted.

1 **a claim, is hereby revived, and action thereon may be commenced not**
2 **earlier than six months after, and not later than one year and six**
3 **months after the effective date of this section. In any such claim or**
4 **action, dismissal of a previous action, ordered before the effective**
5 **date of this section, on grounds that such previous action was time**
6 **barred, and/or for failure of a party to file a notice of claim or a**
7 **notice of intention to file a claim, shall not be grounds for dismissal**
8 **of a revival action pursuant to this section.**
9   § 2. Paragraph 7 of subdivision (a) of rule 3403 of the civil practice
10 law and rules, as added by chapter 11 of the laws of 2019, is amended to
11 read as follows:
12   7. any action which has been revived pursuant to section two hundred
13 fourteen-g **or two hundred fourteen-i** of this chapter.
14   § 3. The judiciary law is amended by adding a new section 219-e to
15 read as follows:
16   **§ 219-e. Rules reviving certain actions; sexual offenses. The chief**
17 **administrator of the courts shall promulgate rules for the timely adju-**
18 **dication of revived actions brought pursuant to section two hundred**
19 **fourteen-i of the civil practice law and rules.**
20   § 4. The provisions of this act shall be severable, and if any clause,
21 sentence, paragraph, subdivision or part of this act shall be adjudged
22 by any court of competent jurisdiction to be invalid, such judgment
23 shall not affect, impair, or invalidate the remainder thereof, but shall
24 be confined in its operation to the clause, sentence, paragraph, subdi-
25 vision or part thereof directly involved in the controversy in which
26 such judgment shall have been rendered.
27   § 5. This act shall take effect immediately; provided, however, that
28 section three of this act shall take effect three months after this act
29 shall have become a law.